

HOUSE BILL No. 1560

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-18-10-2; IC 13-18-10-2.5.

Synopsis: Confined feeding operations. Requires an applicant for approval of the construction of a confined feeding operation to submit to the department of environmental management an odor control plan that outlines procedures for reducing odors at and preventing odors from escaping from the confined feeding operation. Requires the operator of a confined feeding operation to submit an odor control plan to the department before July 1 of each year to maintain valid approval for the confined feeding operation. Allows the department to amend an approval or revoke an approval for a confined feeding operation: (1) if the confined feeding operation fails to submit an annual odor control plan; and (2) if amendment or revocation is needed to reduce odors at or prevent odors from escaping from the confined feeding operation. Requires an approved confined feeding operation's first odor control plan to be submitted to the department before January 1, 2004.

Effective: July 1, 2003.

Liggett

January 16, 2003, read first time and referred to Committee on Environmental Affairs.



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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1560

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-18-10-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) Application for
3 approval of the construction of a confined feeding operation must be
4 made on a form provided by the department. An applicant must submit
5 the completed application form to the department together with the
6 following:

7 (1) Plans and specifications for the design and operation of
8 manure treatment and control facilities.

9 (2) A manure management plan that outlines procedures for the
10 following:

11 (A) Soil testing.

12 (B) Manure testing.

13 (3) Maps of manure application areas.

14 (4) **An odor control plan that outlines procedures for:**

15 (A) **reducing odors at the confined feeding operation; and**

16 (B) **preventing odors from escaping from the confined**
17 **feeding operation.**



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(5) Supplemental information that the department requires, including the following:

- (A) General features of topography.
- (B) Soil types.
- (C) Drainage course.
- (D) Identification of nearest streams, ditches, and lakes.
- (E) Location of field tiles.
- (F) Location of land application areas.
- (G) Location of manure treatment facilities.
- (H) Farmstead plan, including the location of water wells on the site.

~~(5)~~ (6) A fee of one hundred dollars (\$100). The department shall refund the fee if the department does not make a determination in accordance with the time period established under section 2.1 of this chapter.

(b) An applicant who applies for approval to construct a confined feeding operation on land that is undeveloped or for which a valid existing approval has not been issued shall make a reasonable effort to provide notice:

(1) to:

- (A) each person who owns land that adjoins the land on which the confined feeding operation is to be located; or
- (B) if a person who owns land that adjoins the land on which the confined feeding operation is to be located does not occupy the land, all occupants of the land; and

(2) to the county executive of the county in which the confined feeding operation is to be located;

not more than ten (10) working days after submitting an application. The notice must be sent by mail, be in writing, include the date on which the application was submitted to the department, and include a brief description of the subject of the application. The applicant shall pay the cost of complying with this subsection. The applicant shall submit an affidavit to the department that certifies that the applicant has complied with this subsection.

(c) Plans and specifications for manure treatment or control facilities for a confined feeding operation must secure the approval of the department. The department shall approve the construction and operation of the manure management system of the confined feeding operation if the commissioner determines that the applicant meets the requirements of:

- (1) this chapter;
- (2) rules adopted under this chapter;

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- (3) the water pollution control laws;
- (4) rules adopted under the water pollution control laws; and
- (5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations.

SECTION 2. IC 13-18-10-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. (a) The operator of a confined feeding operation must submit an odor control plan that outlines procedures for:**

- (1) reducing odors at the confined feeding operation; and
- (2) preventing odors from escaping from the confined feeding operation;

to the department before July 1 of each year to maintain valid approval for the confined feeding operation under this chapter.

(b) An operator that submits an odor control plan to the department under subsection (a) shall make a reasonable effort to provide notice:

- (1) to each person who owns land that adjoins the land on which the confined feeding operation is located; or
- (2) if a person who owns land that adjoins the land on which the confined feeding operation is located does not occupy the land, to all occupants of the land;

not more than ten (10) working days after submitting the odor control plan to the department.

(c) The notice provided under subsection (b) must:

- (1) be put in writing and sent by mail;
- (2) include:
 - (A) a brief description of the odor control plan; and
 - (B) the date on which the odor control plan was submitted to the department; and

(3) indicate that any person may submit comments to the department concerning the odor control plan.

(d) The operator of a confined feeding operation shall pay the cost of complying with subsections (b) and (c).

(e) Each year the operator of a confined feeding operation shall submit an affidavit to the department certifying that the operator has complied with subsections (b) through (d).

(f) Before making a decision under this section to:

- (1) allow a confined feeding operation to continue to operate under a valid approval under this chapter; or
- (2) amend an approval or revoke an approval under subsection (g);

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1 the department must take into consideration any comments
2 submitted to the department by recipients of the operator's notice
3 or by others concerning the operator's odor control plan.

4 (g) The department may amend an approval or revoke an
5 approval for a confined feeding operation:

6 (1) if the operator of the confined feeding operation fails to
7 comply with this section; and

8 (2) if amendment or revocation is needed to:

9 (A) reduce odors at the confined feeding operation; or

10 (B) prevent odors from escaping from the confined feeding
11 operation.

12 SECTION 3. [EFFECTIVE JULY 1, 2003] (a) Notwithstanding
13 IC 13-18-10-2.5, as added by this act, the operator of a confined
14 feeding operation that obtains the approval of the department of
15 environmental management under IC 13-18-10 before July 1, 2003,
16 shall submit the confined feeding operation's first odor control
17 plan to the department under IC 13-18-10-2.5 before January 1,
18 2004.

19 (b) This SECTION expires January 2, 2004.

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